

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Hettie Martin and Danny Martin,

Plaintiffs,

vs.

Kellermeyer Bergensons Services, LLC,

Defendant.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

CASE NO.: 2021-CP-23-_____

SUMMONS

Jury Trial Demanded

TO THE DEFENDANT ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint herein, a copy of which is herewith served upon you, and to serve a copy of your Answer to said Complaint upon the subscribers at their office, 622 Wade Hampton Blvd., Greenville, South Carolina 29609, within thirty (30) days, after service hereof, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, the Plaintiffs in this action will apply to the Court for judgment by default for relief demanded in said Complaint.

Respectfully submitted,

s/William A. Jordan, III

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Dated: July 14, 2021

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COMPLAINT

Jury Trial Demanded

Plaintiffs, Hettie Martin and Danny Martin, and by and through their attorney, Jordan Law Center, LLC, brings this action against Kellermeyer Bergensons Services, LLC, and would respectfully allege and show this Court the following:

JURISDICTION AND VENUE

1. The Plaintiff, Hettie Martin, hereinafter referred to as "Plaintiff," is a citizen and resident of the County of Greenville, State of South Carolina.

2. The Plaintiff, Danny Martin, is a citizen and resident of the County of Greenville, State of South Carolina.

3. The Defendant, Kellermeyer Bergensons Services, LLC, hereinafter referred to as "Defendant," is a corporation and is operating by virtue of laws of laws of the State of Delaware, and at all times herein operated as a business within the State of South Carolina and County of Greenville.

4. The Defendant was contracted by Target Corporation to strip and wax the floors at the Target store located at 6025 Wade Hampton Boulevard, Taylors, South Carolina 29687.

5. Defendant had full responsibility for maintaining the premises and ensuring the safety of the patrons, Target employees, and customers.

6. The Defendant had numerous opportunities to inspect the premises in question and observe the obvious defect in its condition; the defendant was in and around the property on the day in question, had the responsibility to notice hidden defects or dangers on the premises, had the responsibility to warn others of these defects; and had the responsibility to take action to remedy the defect in the premises.

7. The Defendant had power or authority to manage, direct, superintend, restrict, regulate, govern, administer, or oversee the management of the contracted work in question.

8. Defendant owed the Plaintiff nondelegable duties of reasonable care to provide for her safety, including maintaining a safe floor surface free from dangerous defects and conditions; and/or Defendants owed a duty to warn her of latent or hidden dangers in the store of which they had knowledge or were reasonably discoverable; and/or they owed her a duty to anticipate the harm despite any obviousness of the dangerous conditions that existed.

9. This Court has personal jurisdiction and venue over the parties and subject matter named in this lawsuit pursuant to the South Carolina Rules of Civil Procedure, the South Carolina Constitution, and the South Carolina Code.

FACTUAL BACKGROUND & NEGLIGENCE CAUSE OF ACTION

10. On or about July 18, 2020, Plaintiff was working at Target Corporation as an assistant store manager. Upon doing a final check of the store before closing for the purpose of securing the store for the night, Plaintiff entered the storage area at the back of the store.

11. While the Plaintiff was checking the rear of the store, agents of the Defendant began work on the retail side of the store, on the other side of double swinging doors that led to the storage area.

12. The Defendants allowed wax and water to seep under the doors and onto the walking surface in the storage area. When the Plaintiff walked back through the area, suddenly and without warning, her feet went out from under her due to the slick material that was now covering the walking surface.

13. The water and wax that was on the walking surface was not visible to the Plaintiff prior to her fall.

14. The Plaintiff was an employee of Target who worked at the Premises. Defendant owed the Plaintiff the duty to discover and warn of dangerous conditions on the premises and thereafter make them safe, which the Defendant failed to do.

15. The Defendant knew or should have known that a dangerous condition existed.

16. As a proximate result of the Defendant's acts and omissions as alleged in this Complaint, Plaintiff slipped on wax and water and fell violently to the ground, suffering severe personal injuries and other damages.

17. The Defendant was negligent, reckless, willful, wanton and grossly negligent in the following and other particulars to wit:

- A. In failing to prevent wax and water from seeping into the storage room;
- B. In failing to warn Plaintiff that wax and water had seeped into the storage room;
- C. In failing to ensure that any hazards located on the property were clearly marked;

- D. In failing to keep the floor safe for Target employees and/or customers;
- E. In failing to provide safe conditions for Target employees and/or customers;
- F. In failing to adequately discover and correct any dangerous conditions which existed, despite repeated opportunities to do so;
- G. In failing to search for and discover the unreasonably dangerous condition existing on their premises, or premises for which they were responsible, to wit: the placement of a wax and water in a path where they knew that persons would be walking;
- H. In maintaining hazardous and unsafe conditions while on the premises where they were working;
- I. In failing to properly train or supervise their employees so as to prevent dangerous conditions from existing; and,
- J. In such other and further particulars as the evidence at trial might show.

All of which combined and/or concurred to be the proximate cause of the Plaintiff's damages, injuries and losses as outlined herein.

18. Plaintiff has suffered and will suffer in the future severe pain. Plaintiff's damages include, but are not limited to, both past and future:

- a. Doctor, hospital, medical, medication, and related medical bills;
- b. Pain, suffering, loss of enjoyment of life, embarrassment, and mental anguish;
- c. Permanent disfigurement and/or loss of use of certain body parts;
- d. Past and future Lost wages; and

e. Punitive damages.

19. Plaintiff is informed, believes, and alleges that she is entitled to both actual and punitive damages against the Defendant.

SECOND CAUSE OF ACTION
(Loss of Consortium)

20. Plaintiff Danny Martin incorporates by reference all other paragraphs of this complaint as if fully set forth alleges as follows:

21. Due to the severe injuries and impairment suffered by his wife, Plaintiff Danny Martin has been deprived of the services of his wife, including consortium, for which he alleges he is entitled to actual damages against the Defendant.

22. Plaintiff Danny Martin's injuries occurred as a direct and proximate result of the negligent, careless, and reckless act of the Defendant.

WHEREFORE, having fully pled, the Plaintiffs pray as follows: For an award against the Defendant for actual and punitive damages in amounts to be determined by a jury; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

s/William A. Jordan, III

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Attorneys for Plaintiffs

Greenville, South Carolina

Date: July 14, 2021